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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/579,792   | 05/26/2000  | Roger Flores         | PALM-2940.US.P      | 8499             |
| 49637  | 7590        | 07/28/2005           | EXAMINER            |                  |
| BERRY & ASSOCIATES P.C.<br>9255 SUNSET BOULEVARD<br>SUITE 810<br>LOS ANGELES, CA 90069 |             |                      | CHUNG, DANIEL J     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2677                |                  |
| DATE MAILED: 07/28/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                    |                         |  |
|------------------------------|------------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>             | <b>Applicant(s)</b>     |  |
|                              | 09/579,792                         | FLORES ET AL.           |  |
|                              | <b>Examiner</b><br>Daniel J. Chung | <b>Art Unit</b><br>2672 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,10,13,22 and 23 is/are rejected.
- 7) Claim(s) 2-9,11,12 and 14-20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

Claims 1-23 are presented for examination. Claims 22-23 have been added by the amendment filed on 5-6-2005. This office action is in response to the amendment filed on 5-6-2005.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 10 and 13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 12 and 15 of U.S. Patent No. 6,812,939. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application is obvious in view of the U.S patent No. 6,812,939.

Regarding claim 1, presented application does not have a limitation of "call including an event type corresponding to event object" of the limitations in claim 1 of U.S No. 6,812,939, however, It would have been obvious to one of ordinary skill in the

art at the time the invention was made to delete such elements of U.S No. 6,812,939 to arrive invention of the present application, as "calls for event type" is known for requesting specified image processing data to accomplish complex image effect, so such functions/steps or the elements are not desired for preventing complicated image system.

Regarding claim 10, presented application does not have a limitation of "call including an event type corresponding to event object" of the limitations in claim 12 of U.S No. 6,812,939, however, It would have been obvious to one of ordinary skill in the art at the time the invention was made to delete such elements of U.S No. 6,812,939 to arrive invention of the present application, as "calls for event type" is known for requesting specified image processing data to accomplish complex image effect, so such functions/steps or the elements are not desired for preventing complicated image system.

Regarding claim 13, presented application does not have a limitation of "call including an event type corresponding to event object" of the limitations in claim 15 of U.S No. 6,812,939, however, It would have been obvious to one of ordinary skill in the art at the time the invention was made to delete such elements of U.S No. 6,812,939 to arrive invention of the present application, as "calls for event type" is known for requesting specified image processing data to accomplish complex image effect, so such functions/steps or the elements are not desired for preventing complicated image system.

As indicated in hereinabove, the patent claims the similar elements plus additional elements [i.e. "event object"] not claimed in the present application. The omission of these elements and their functions from the patent claims would have been obvious if the functions or the elements are not desired (See MPEP 2114.04(II)A). Both patented application and present application have same scope of the claims. Specifically, both sets of claims recited similar inventive concept of a computer implemented method and system for rendering the appropriate display attribute based on the screen capability. The difference between the claims in the present application and the claims in the issued patent is that applicant simply eliminates the some of features in the claims in the issued patent, thereby presenting broadly stated claims. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to delete additional limitations/steps of the '939' to arrive invention of the present application because the functions/steps or the elements are not desired for preventing complicated imaging systems.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada et al (US 2002/0000995) in view of Nagai et al (5,483,631)

Regarding claim 22, Sawada et al discloses that the claimed feature of a method comprising: receiving, in an operating system ["operating system"; 210], a request from an application program ["application program"; 200] for a display attribute ["display attribute"] for an object to be displayed on a display screen ["image displaying device"; 114]; in response to receiving the request [i.e. "request made by the application program; 200" See [199]], [indexing a table,] by the operating system [210], to retrieve the display attribute [i.e. "display attribute-change control means"; 211], the indexing being based at least partly on an identifier of the object to be displayed; and returning, to the application program [200], the display attribute [i.e. "modified display attributes"] for the object to be displayed. (See Abstract, Fig 1-2, Fig 4-5, Fig 15-16, [13-17])

Sawada et al does not explicitly disclose that "indexing a table", recited in claim. However, such limitations are shown in the teaching of Nagai et al [indexing of "display identifier" and "attribute data" in "display data table"] (See Abstract, Fig 3, Fig 4, Fig 7, Fig 11, col 1 line 63-col 2 line 17) It would have been obvious to one skilled in the art to include the above 'indexing display data table' of Nagai's system into the teaching of Sawada, in order to provide "the communication quantity between the network manager and the display unit can be reduced and the display unit can easily identify the corresponding component element on the communication network screen using the

display identifier" (See col 7 line 1-12 in Nagai, Also See col 9 line 37-45, col 10 line 19-39), as such improvement is also advantageously desirable in the teaching of Sawada et al for rendering optimized image upon the display device effectively.

Regarding claim 23, Sawada et al discloses that displaying [110] on the display screen [114], by the application program [200], the object to be displayed with the returned display attribute [i.e. "modified display attribute"]. (See Abstract, Fig 1-2, Fig 4-5, Fig 15-16, [13-17])

### ***Response to Arguments/Amendments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (Central fax)**  
**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
July 22, 2005



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600